



# STATE OF MINNESOTA

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November 2, 2018

The Honorable Leo I. Brisbois  
Magistrate Judge, District of Minnesota  
United States District Court  
515 West 1st Street, Room 412  
Duluth, MN 55802-1397

**Re: *Donald Vogel v. Thomas Roy, et al.***  
**Court File No. 17-cv-03459 (WMW/LIB)**

Dear Magistrate Judge Brisbois:

I represent Defendants Thomas Roy and Patrick Courtney in the above-referenced matter. In its Settlement Conference Order, the Court scheduled a settlement conference for November 14, 2018 in Fergus Falls. On October 31, 2018, Defendants filed a motion for summary judgment, in which Defendants ask the Court to dismiss all claims against them. At this time, Defendants do not intend on making any offers of settlement while their motion for summary judgment is pending. Defendants believe it would be a more productive use of the parties' and the Court's time and resources if the settlement conference were to take place after the Court's ruling, should any of Plaintiff's claims survive Defendants' motion. As such, Defendants respectfully request the November 14, 2018 settlement conference be rescheduled to take place after the Court rules on Defendants' summary judgment motion. Defendants' counsel met and conferred with Plaintiff's counsel by phone regarding this matter, and Plaintiff does not agree to Defendants' request to postpone the settlement conference.

Thank you for your time and attention to this matter.

Sincerely,

s/ Bradley D. Simon  
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*Attorneys for Defendants Roy And Courtney*

cc: C. Peter Erlinder, Terry Duggins, and Peter Nickitas, attorneys for Plaintiff